

WHAT CONGRESS AND GANDHI HAVE DONE TO THE UNTOUCHABLES

APPENDICES

[Appendix III : Minorities Pact](#)

APPENDIX III

MINORITIES PACT

Provisions for a Settlement of the Communal Problem, put forward jointly by Muslims, Depressed Classes, Indian Christians, Anglo-Indians and Europeans,

CLAIMS OF MINORITY COMMUNITIES

1. No person shall by reason of his origin, religion, caste or creed, be prejudiced in any way in regard to public employment, office of power or honour, or with regard to enjoyment of his civic rights and the exercise of any trade or calling.
2. Statutory safeguards shall be incorporated in the constitution with a view to protect against enactments of the Legislature of discriminatory laws affecting any community.
3. Full religious liberty, that is, full liberty of belief, worship observances, propaganda, associations and education, shall be guaranteed to all communities subject to the maintenance of public order and morality. No person shall merely by change of faith lose any civic right or privilege, or be subject to any penalty.
4. The right to establish, manage and control, at their own expense, charitable, religious and social institutions, schools and other educational establishments with the right to exercise their religion therein.
5. The constitution shall embody adequate safeguards for the protection of religion, culture and personal law, and the promotion of education, language, charitable institutions of the minority communities and for their due share in grants-in-aid given by the State and by the self-governing bodies.
6. Enjoyment of civic rights by all citizens shall be guaranteed by making any act or omission calculated to prevent full enjoyment an offence punishable by law.
7. In the formation of Cabinets in the Central Government and Provincial Governments, so far as possible, members belonging to the Mussalman

community and other minorities of considerable number shall be included by convention.

8. There shall be Statutory Departments under the Central and Provincial Governments to protect minority communities and to promote their welfare.
9. All communities at present enjoying representation in any Legislature through nomination or election shall have representation in all Legislatures through separate electorates and the minorities shall have not less than the proportion set forth in the Annexure but no majority shall be reduced to a minority or even an equality, Provided that after a lapse of ten years it will be open to Muslims in Punjab and Bengal and any minority communities in any other Provinces to accept joint electorates, or joint electorates with reservation of seats, by the consent of the community concerned. Similarly after the lapse of ten years, it will be open to any minority in the Central Legislature to accept joint electorates with or without reservation of seats with the consent of the community concerned.

With regard to the Depressed Classes, no change to joint electorates and reserved seats shall be made until after 20 years' experience of separate electorates and until direct adult suffrage for the community has been established.

10. In every Province and in connection with the Central Government, a Public Services Commission shall be appointed, and the recruitment to the Public Services, except the proportion, if any, reserved to be filled by nomination by the Governor-General and the Governors, shall be made through such commission in such a way as to secure a fair representation to the various communities consistently with the considerations of efficiency and the possession of the necessary qualifications. Instructions to the Governor-General and the Governors in the Instrument of Instructions with regard to recruitment shall be embodied to give effect to this principle, and for that purpose to review periodically the composition of the Services.
11. If a Bill is passed which, in the opinion of two-thirds of the members of any Legislature representing a particular community, affects their religion or social practice based on religion, or in the case of fundamental rights of the subjects if one-third of the members object, it shall be open to such members to lodge their objection thereto, within a period of one month of the Bill being passed by the House, with the President of the House who shall forward the same to the Governor-General or the Governor, as the case may be, and he shall thereupon suspend the operation of that Bill for one year, upon the expiry of which period he shall remit the said Bill for further consideration by the Legislature. When such Bill has been further considered by the Legislature and the Legislature concerned has refused to

revise or modify the Bill so as to meet the objection thereto, the Governor-General or the Governor, as the case may be, may give or withhold his assent to it in the exercise of his discretion, provided, further, that the validity of such Bill may be challenged in the Supreme Court by any two members of the denomination affected thereby on the ground that it contravenes *one* of their fundamental rights.

SPECIAL CLAIMS OF MUSSULMANS

- A. The North -West Frontier Province shall be constituted a Governor's Province on the same footing as other Provinces with due regard to the necessary requirements for the security of the Frontier.

In the formation of the Provincial Legislature, the nominations shall not exceed more than 10 per cent. of the whole.

- B. Sind shall be separated from the Bombay Presidency and made a Governor's Province similar to and on the same footing as other Provinces in British India.
- C. Mussulman representation in the Central Legislature shall be one-third of the total number of the House, and their representation in the Central Legislature shall not be less than the proportion set forth in the Annexure.

SPECIAL CLAIMS OF THE DEPRESSED CLASSES

- A. The constitution shall declare invalid any custom or usage by which any penalty or disadvantage or disability is imposed upon or any discrimination is made against any subject of the State in regard to the enjoyment of the civic rights on account of Untouchability.
- B. Generous treatment in the matter of recruitment to Public Services and the opening of enlistment in the Police and Military Service.
- C. The Depressed Classes in the Punjab shall have the benefit of the Punjab Land Alienation Act extended to them.
- D. Right of Appeal shall lie to the Governor or Governor-General for redress of prejudicial action or neglect of interest by any Executive Authority.
- E. The Depressed Classes shall have representation not less than set forth in the Annexure.

SPECIAL CLAIMS OF THE ANGLO-INDIAN COMMUNITY

- A. Generous interpretation of the claims admitted by Subcommittee No. VIII (Services) to the effect that in recognition of the peculiar position of the community, special consideration should be given to the claim for public employment, having regard to the maintenance of an adequate standard of living.
- B. The right to administer and control its own educational institutions, i.e. European education, subject to the control of the Minister.

Provisions for generous and adequate grants-in-aid and scholar-silip on the basis of present grants.

- (c) Jury rights equal to those enjoyed by other communities in India unconditionally of proof of legitimacy and descent and the right of accused persons to claim trial by either a European or an Indian jury.

ANNEXURE—*Representation in Legislatures*. Figures in brackets =Population basis 1931 figures and depressed percentages as per Simon Report

	Strength of Chamber	Hindu			Muslims	Christians	Sikhs	Anglo-Indians	Tribal, etc.	Europeans	Remarks
		Caste	Depressed	Total							
CENTRE All India (1931) Upper	200	(47.5) 101	(19)* 20	(66.5) 121	(21.5) 67	1	6	1	—	4	*Represents percentage in Governor's Provinces of B.I.
Lower	300	123	45	168	100	7	10	3	—	12	
Assam	*100	(48.9) 38	(13.4) 13	(62.3) 51	(34.8) 35	3	—	1	—	10	*Pop. figures exclude Tribal Areas.
Bengal	200	(18.3) 38	(24.7) 35	(43) 73	(54.9) 102	2	—	3	—	20	
Bihar & Orissa	100	(67.8) 51	(14.5) 14	(82.3) 65	(11.3) 25	1	—	1	3	5	
Bombay	200	(68) 88	(8) 28	(76) 116	(20) 66	2	—	3	—	13	On Sind being separated weightage to Mussalmans In Bombay to be on the same footing as to the Hindus In the N.F.W.P.
C.P.	100	(63.1) 58	(23.7) 20	(86.8) 78	(44) 15	1	—	2	2	2	
Madras	200	(71.3) 102	(15.4) 40	(86.7) 142	(7:1) 30	(3.7) 14	—	4	2	8	
Punjab	100	(15.1) 14	(13.5) 10	(28.6) 24	(56.5) 51	1.5	(13) 20	1.5	—	2	
U. P.	100	(58.1) 44	(26.4) 20	(84.5) 64	(14.8) 30	1		2		3	

Sind & N.W.F.P. Weightage similar to that enjoyed by the Musalmans in the Provinces in which they constitute a minority of the population, shall be given to the Hindu minority in Sind and to the Hindu and Sikh minorities in the N.W.P.P.

SPECIAL CLAIMS OF THE EUROPEAN COMMUNITY

- A. Equal rights and privileges to those enjoyed by Indian-born subjects in all industrial and commercial activities.
- B. The maintenance of existing rights in regard to procedure of criminal trials, and any measure or bill to amend, alter, or modify such a procedure cannot be introduced except with the previous consent of the Governor-General.

Agreed by:—

HIS HIGHNESS THE AGA KHAN (Muslims)

DR. AMBEDKAR (Depressed Classes)

RAO BAHADUR PANNIR SELVAM (Indian Christians)

SIR HENRY GIDNEY (Anglo-Indians)

SIR HUBERT CARR (Europeans).

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